

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
North County Broadcasting Corporation)	File No.: EB-10-SD-0028
Licensee of Station KFSD(AM))	NAL/Acct. No.: 201132940002
Escondido, California)	FRN: 0003770757
)	Facility ID No.: 49205

MEMORANDUM OPINION AND ORDER

Adopted: October 14, 2014**Released: October 15, 2014**

By the Commission:

1. We deny the Application for Review filed by the North County Broadcasting Corporation (NCBC), licensee of Station KFSD(AM), Escondido, California.¹ NCBC seeks review of a Memorandum Opinion and Order (*MO&O*) issued by the Enforcement Bureau (Bureau), which affirmed the Bureau's *Forfeiture Order* that found that NCBC was liable for a forfeiture in the amount of \$4,800 for failing to ensure the operational readiness of its station's Emergency Alert System equipment, in violation of Section 11.35 of the Commission's rules.² NCBC raises two issues on review, both of which were argued previously several times before the Bureau and rejected.³

2. Upon consideration of the Application for Review and the entire record, we conclude that NCBC has not demonstrated that the Bureau erred. The Bureau, in the *Forfeiture Order* and the *MO&O*, properly decided the matters raised, and we uphold its decisions for the reasons stated therein.

¹ North County Broadcasting Corporation, Application for Review (filed Mar. 31, 2014) (Application for Review).

² *North County Broadcasting Corporation*, Memorandum Opinion and Order, 29 FCC Rcd 2624 (Enf. Bur. 2014) (*MO&O*), *aff'g*, Forfeiture Order, 28 FCC Rcd 1207 (Enf. Bur. 2013) (*Forfeiture Order*), *aff'g*, Notice of Apparent Liability for Forfeiture, 26 FCC Rcd 201 (Enf. Bur. 2011); 47 C.F.R. § 11.35.

³ NCBC maintains that the Commission has failed to comply with the Small Business Regulatory and Fairness Enforcement Act of 1996 (SBREFA) in formulating its forfeiture policies and, because it has not, it lacks the requisite authority to assess forfeitures against small businesses, such as NCBC. *See* Application for Review; North County Broadcasting Corporation, Petition for Reconsideration (filed Feb. 27, 2013) (on file in EB-10-SD-0028); North County Broadcasting Corporation, NAL Response (filed Feb. 4, 2011) (on file in EB-10-SD-0028). As the Bureau noted, the Commission concluded that its existing forfeiture policy, including the various factors by which it may adjust a proposed forfeiture upward or downward based on the facts presented, will continue to be applied, in compliance with the SBREFA. *MO&O*, 29 FCC Rcd at 2626, n. 19 (citing *Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087, 17109, para. 52, *recon. denied*, 15 FCC Rcd 303 (1999)).

3. **ACCORDINGLY, IT IS ORDERED** that, pursuant to Section 5(c)(5) of the Communications Act of 1934, as amended, and Section 1.115(g) of the Commission's rules, the Application for Review **IS DENIED**.⁴

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

⁴ 47 U.S.C. § 155(c)(5); 47 C.F.R. § 1.115(g).